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File No. 2648 / 36 - II

B CLASS

P.W. DEPARTMENT

E BRANCH

Subject:— Pay

Temporary and work charged establish-
ment on appointment to the
~~permanent~~ permanent establishment
fixation of

✓

B [K] 1946

File No. 2648 / 36 - II

Std. Sect. 88p. 24 A

By. E.

G. R., G. D., No. 2408, dated 22-6-22.]

Correspondence

DOCKET SHEET

Subject :—

File No. 2648 / 36 Part II

P. W. DEPT.

E BRANCH

References :— copies of pages from the main file B [X] C

Date.	To whom sent.	Notes and instructions.

Pay of persons on temporary and work-charged establishments on appointment to the permanent establishment - Orders regarding fixation of -.

GOVERNMENT OF BOMBAY.
PUBLIC WORKS DEPARTMENT.
Circular Memorandum No.2648/36.

Bombay Castle, 25th September 1941.

GOVERNMENT IS CIRCULAR MEMORANDUM.

It has come to the notice of Government that the orders issued from time to time regarding the fixation of pays of temporary and work-charged persons on appointment to the permanent establishment, etc., have not been correctly observed in some cases with the result that the ~~recovery~~ recovery of the excess amounts drawn has had to be waived. In order to prevent recurrence of such cases in future, the orders issued by Government on the subject are reiterated and explained in the following paragraphs. These orders should be followed strictly in future.

Fixation of pay of temporary persons on appointment to the permanent establishment.

2. The principles to be observed in fixing the starting pay of temporary persons appointed to the permanent establishment are as under:-

(a) Appointments to the Bombay Subordinate Engineering Service -

(i) The starting pay of a temporary man, who has passed out of a recognised college should, when promoted to the permanent establishment, be fixed in consideration of the year in which he passed his final College examination in the case of a ~~diploma~~ diploma holder or his University examination in the case of a degree holder, one year in every five years being deducted from his seniority so arrived at on account of change in status from temporary to permanent service. Further deduction should be made on account of any period or periods during which the man was not so employed as to enable him to acquire the requisite training and experience for the Bombay Subordinate-

for the Bombay Subordinate Engineering Service.

In the case of men who have not passed out of any recognised College their age and experience should as a rule be taken into account in fixing their starting pay.

For the purpose of calculating the starting pay as above, the following initial rates of pay should be adopted:-

	Subordinates eligible for the old scale of pay of the Bombay subordinate Engineering Service (viz. Rs.60-5-100-10-250). Rs.	Subordinates eligible for the revised scale of pay (viz. Rs.54-4-130-5--150-probationer Rs.50 one year). Rs.
(1) Men without any special qualifications.	60	50
(2) Diploma holders.	70	54
(3) Graduates in Engineering (i.e., Bachelor of Engineers, etc.)	80	70

(ii) No man should be given a higher starting pay on the sanctioned time scale than that equivalent to 16 per cent. less than his pay on the temporary establishment.

(iii) The starting pay of temporary man appointed to the Bombay Subordinate Engineering Service should be calculated in accordance with the principles set forth both in (i) and (ii) above, and he should be given the pay admissible either under (i) or (ii), whichever is less, provided that the pay so allowed is not less than the initial rates of pay laid down in (i) above for his particular case.

Diploma holders and Engineering graduates, who are appointed directly to the Bombay subordinate Engineering Service in the revised pay scale, are required to remain on probation for one year on Rs.50 per mensem before they are granted the initial starting pays of Rs.54 and Rs.70/- respectively - vide clause (ii) of paragraph 4 of Government Resolution No.7708/27, dated the 15th December 1934. Temporary subordinates, both qualified and unqualified, with less than one year's aggregate period of service on the temporary establishment, who are promoted to the Bombay Subordinate Engineering Service in the revised pay-scale, should therefore be put on probation on Rs. 50/-.....

probation on Rs.50 per mensem before they are given the initial rates of pay mentioned in (i) above, but the service already rendered by them on the temporary establishment should be allowed to count towards the probationary period of one year. If, however, in the case of such a subordinate the pay calculated in accordance with (i) and (ii) above is more than Rs.50 per mensem, the difference between that pay and Rs.50 should be treated as personal pay to be absorbed in the next increment.

(b) Appointments to the permanent clerical establishment

No man should be given on appointment the permanent establishment a higher rate of pay in the sanctioned time-scale of pay than that equivalent to 16 per cent. less than his pay on the temporary establishment subject to the proviso that the pay so allowed is not less than the minimum of the time-scale and provided further that in the case of graduate and qualified clerks it is not less than the general initial rates of pay prescribed for them.

(c) Appointments to permanent posts of draftsmen, storekeepers, etc. -

When making appointments to all other classes of non-gazetted establishments, both ministerial and non-ministerial, no man should be given a higher starting pay on the permanent scale than that equivalent to 16 per cent. less than his pay on the temporary establishment. If, however, the starting pay after the 16 per cent. reduction is less than the minimum of the sanctioned pay scale, the minimum rate of pay should be given.

(d)

(d) When the pay after the per cent. reduction in the case of the establishments mentioned under (a), (b) and (c) above does not adjust itself to a stage in the time-scale, the pay of each person should be fixed at the nearest lower stage in the scale and he should be granted personal pay (equal to the difference between the pay arrived at after 16 per cent. reduction and the lower stage of the scale) to be absorbed in future increments.

3. The principles enunciated in paragraph 2 above should be observed in fixing the pay of all temporary persons appointed to officiate in permanent posts. However, when a temporary person is appointed to officiate in a permanent post without there being at the time any prospect of the officiating service being followed by confirmation, exemption from the 16 per cent. reduction in his temporary pay will be specifically sanctioned by Government to whom such cases should be submitted for orders.

4. Whenever a temporary man is brought on the permanent establishment in accordance with the principles mentioned above, a declaration to the following effect should be obtained from him:-

"I agree to accept a starting pay of Rs. and shall not claim starting pay calculated in accordance with Bombay Civil Services Rule 41".

5. Under the principles mentioned above, a temporary man promoted to the permanent establishment does not get the full benefit of his temporary service for the purpose of increments on the permanent establishment and the date of the next increment on the permanent establishment counts from the date of his promotion to that establishment.

Fixation of pays of work-charged men on appointment to the permanent establishment.

6. There are no special orders of Government for fixing the starting pay of persons serving on the work-charged establishment when promoted to the permanent establishment. In accordance with the New Rates of Pay Rules, service on the work-charged establishment constitutes a break in service-vide Government Notification, Finance Department, No.150/33-B, dated the 10th November 1937. No credit for that service can therefore be given for fixing the pay on the permanent establishment. In other words, a person on the work-charged establishment promoted to the permanent establishment is to be treated as a fresh recruit and given the same-rate of pay as is admissible to a person directly appointed to the permanent establishment. If, however, in any exceptional case, a higher starting pay than the prescribed minimum is considered necessary, such cases should be submitted for the orders of Government.

Fixation of pay of persons when appointed on temporary or work-charged establishments on basis of ~~per~~ previous service.

7. Where any incremental scale is ~~a~~ laid down either for the class of temporary establishment concerned or for the corresponding class of permanent establishment, the starting pay of persons appointed to the temporary or work-charged establishment should be fixed in accordance with the principles mentioned below:-

(i) The starting pay of persons appointed to the temporary or work-charged establishment should be fixed at a figure not higher than that allowable according to the prescribed time-scale in respect of the establishment concerned, all previous service, which is of a type similar to that of the post to which the persons are appointed, being taken into account, provided that such service has been rendered in circumstances complying with any of the conditions specified below:-

(a) Previous useful service rendered in Government or
or other

or other offices for a considerable period;

(b) previous useful service rendered on the work - charged establishment in the Public Works Department for a considerable period by a person who is brought on the temporary establishment for the first time;

(c) previous service in the Public Works Department of persons, who have been either discharged as a measure of retrenchment or have a break in their service on account of circumstances beyond their control, and have been subsequently reappointed;

(d) service of persons who on account of the abolition of their posts or on account of retrenchment, have been reverted from posts carrying a higher time-scale of pay to posts carrying a lower time-scale of pay, e.g., a temporary clerk serving in a Divisional Office who has been reverted to a temporary post of Sub-Divisional clerk.

(ii) Advance increments may be granted to Government servants transferred from posts carrying a lower time-scale of pay to post carrying a higher or overlapping scale of pay, provided that the pays of such persons so transferred should not be higher than the pay to which they would have been entitled, had the transfer been made from one permanent post to another.

(iii) In all other cases no pay higher than the initial stage of the scale should be given without the previous sanction of Government except in the cases mentioned in clause (iv) below. If, however, provision has been made in the budget for a particular post on a certain fixed pay and it has been admitted by Government, appointments may be made against such provision without further reference to or sanction of Government, if it is within the powers of the local

local officers to fill up the appointments. Such cases should, however, be specifically brought to the notice of Government at the time of submitting budget estimates. .

(iv) Superintending Engineers of Circles are authorised to fix higher starting pay, than the pay arrived at in accordance with the principles (i) and (ii) above, in the case of the establishments mentioned below:-

(a) Work-charged Surveyors for the survey and preparation of road and irrigation projects on a starting pay up to Rs.100 per mensem - vide Government Memorandum No.7546/27-E, dated the 1st June 1939.

(b) Work-charged overseers up to the maximum limit of Rs.100 per mensem in the case of graduates in engineering and Rs.70 per mensem in the case of Diploma-Holders-vide Government Memorandum No.4126/36-E, dated the 16th April 1941.

These work-charged overseers and surveyors should not be granted any increment in pay or be promoted to the temporary or permanent establishment without the orders of Government.

8. According to the orders in paragraph 2 of Government Memorandum No.2648-E, dated the 12th July 1940, when a person serving, on the temporary establishment is transferred to the work-charged establishment or vice-versa, the service rendered by him on the temporary and work-charged establishments when continuous is to be allowed to count for increments in the time-scales sanctioned for corresponding permanent posts, without observing any distinction between the temporary and work-charged service. These orders have been wrongly interpreted by some officers as authorising them to permit such temporary and work-charged service to count for increments on the permanent establishment when the temporary or work-charged man is brought on the permanent establishment. The pay of persons on the temporary and work-charged establishment when brought on the permanent establishment should be regulated strictly ~~on~~ in accordance with the orders in paragraphs 2-6 above.

By order of the Governor of Bombay.

By order of the Governor of Bombay,

B.H. HAMMETT,

Deputy Secretary to Government.

G.C.M.No.2648/36, P.W.D., dated 25th September 1941.

to

the Finance Department.

The Superintending Engineers of Circles.

The Electrical Engineer to Government.

The Consulting Public Health Engineer to Government.

The Accountant General, Bombay (through the Finance
Department).

All Executive Engineers.

No. of 1941.

Copy forwarded for information and guidance to

From

L.E. Greening, Esquire, I.S.E.,
Superintending Engineer, S.C.

To

The Secretary to Government,
Public Works Department,
B O M B A Y .

No.G-44.

Public Works Department,
Belgaum, 9th April 1943.

Subject:- Pay of temporary persons brought on
the permanent establishment.

Messrs. T.G. Patil, Draftsman and V.M. Kulkarni, clerk,
in the Divisional office, Kanara, before being appointed
to the permanent establishment on the 18th December 1940
and 14th July 1942 respectively had put in officiating and
temporary service as under:-

Mr. Patil

	<u>From</u>	<u>To</u>	Rs.
Officiating Draftsman.	1st October 1938	21st February 1939	90/-
Reverted as temporary Assistant Draftsman.	22nd February 1939	30th September 1939	-
Officiating. Draftsman.	1st October 1939	6th September 1940	90/-
Temporary Draftsman.	7th September 1940	17th December 1940	90/-
Provisional permanent Draftsman.	18th December 1940.	to date	90/-

Mr. Kulkarni

Offg.clerk	5th September 1939	30th June 1941	30/-
Temporary clerk	1st July 1941	13th July 1942	30/-
Provisional permanent clerk	14th July 1942	to date	30/-

2. The Executive Engineer, Kanara Division, has, in consultation with the Accountant General, Bombay, granted a biennial increment of Rs.5/- to Mr. Patil on the 21st August 1941 and Mr. Kulkarni on the 18th September 1942 taking into account their previous officiating service but excluding their service on the temporary establishment..

3. As soon as this came to the notice of this office, it was pointed out to the Executive Engineer that according to the principles enunciated in G.C.M.No.2648/36, dated the 25th September 1941 either officiating or temporary service in the case of a Government servant without a substantive appointment does not count for increment and the date of next increment is to be counted from the date of appointment to the permanent establishment.

4. According to the Accountant General, the counting of previous officiating service ~~ref~~ rendered by a person prior to his promotion to a permanent post for increment or fixation of his pay is governed by B.C.S.Rule 67 and not by G.C.M.No.^{2648/}~~248~~/36, dated the 25th September 1941.

5. B.C.S.Rule 67 however relates to non-continuous service and allows no increment when the ~~peie~~ period of such service is less than 5 years. In the cases of Messrs. Patil and Kulkarni their officiating and temporary service is continuous to the date of their appointment to the permanent establishment and the total period is also less than five years. This office, therefore, holds the view that the rule referred to by the Accountant General does not apply to them and according to the G.C.M. of the 25th September 1941 referred to above, there is no distinction between temporary or officiating service of a Government servant without a substantive appointment for purposes of increment.

6. Since the cases of Messrs. Patil and Kulkaṛni are similar to that of Mr. D.G. Manage, Clerk, whose period of increment has been counted from the date of his promotion to the permanent establishment ignoring all his past continuous officiating and temporary service, vide G.M.No. 2648/36-E, dated the 30th July 1941, I request the favour of being informed as to whether in the cases under reference increment can be granted on the basis of the past officiating service excluding temporary service as advised by the Accountant General, Bombay.

7. It has been made clear to the Executive Engineer, Kanara Division, that should Government consider the grant of increment to be irregular the recovery of excess payment made will have to be effected and their pay refixed.

Sd/-
9/4/43.

Superintending Engineer, S.C.

(E.B.)

Mr. T.G. Patil was a tempy. D'man when he was made provisionally permanent in Dec.1940 in the Dnl.Officer, Kanara. He had previously officiated in vacancies on the permanent estabt. Mr. V.M. Kulkarni was a tempy. clerk when he was made provisionally permanent in July 1942 in the Dnl. office, Kanara. He had previously served in an officiating vacancy. Both the men were serving on the tempy. Estabt. at the time of their promotion to the pt. estabt. and according to para. 5 of G.C.M. No.2648/36, dated the 25-9-41, the date of their next increment on the pt. estabt. counts from the date of their promotion to the pt. estbat. Their previous offg. service cannot affect their increment dates.

2. The Govt. circular memo. quoted above re: the pay of tempy. and work-charged men promoted to the pt.estabt. is applicable in this case as noted above B.C.S.R.67 relates to the grant of increments in respect of past non-continuous . offg. or tempy. service and has no bearing on this case.

3. The case of Mr. D.G. Manage, clerk mentioned in the S.E's letter under disposal is quite similar to this case. Mr. Manage's increments were regulated from the date of his promotion from the tempy. to the pt. estabt. without taking into account his previous offg. service of over 2 years - vide G.M.No.2648/36-E dated the 30-7-41 and para.7 of the office note, dated the 11.11.40 underlying it and giving information about Mr. Manage's case . The draft letter put up may therefore issue, if approved, after u.o.r. to the F.D.

Id/-
1/6/43

Id/-
1/6

OFFICE OF THE ACCOUNTANT GENERAL, BOMBAY.

Returned with compliments.

Para 2 of the Govt. P.W.D. circular Memo.No.2648/36 dated 25th September 1941, enunciates the principles to be applied in the fixation of initial pay of temporary men appointed to the permanent posts. It appears that the appointments referred to in this para are substantive appointments to permanent posts as officiating appointments to such posts are separately dealt with in para 3 of the Circular Memo. In accordance with these principles, the pay of such men is reduced by 16%; in certain cases however, the reduction is not operative (either wholly or partially) owing to the fact that the minimum pay of the permanent post is not less than the pay of the person concerned in the temporary establishment after the 16% reduction.

Under para 3 of the Circular Memo, the pay of temporary men appointed to officiate in permanent posts is also fixed in accordance with the principles referred to above, except where an exception from the 16% deduction in the temporary pay is granted by Government in cases when temporary persons are appointed to officiate in permanent posts without there being at the time any prospect of the officiating service being followed by confirmation. Except in cases such as the above where the officiating pay in permanent posts is fixed without the 16% reduction in the temporary pay, it seems reasonable that the officiating service should be allowed to count for increment, (where this is permissible under the ordinary rules of the Bombay Civil Service Rules) when the temporary men concerned are subsequently appointed substantively to the permanent posts. Otherwise, those men who are appointed to officiate in permanent posts while holding temporary posts under Government will sometimes be placed in disadvantageous situation when compared with men who are directly appointed to officiate in permanent posts and are eventually confirmed, as the latter automatically count their officiating service for increment under B.C.S.R.41. If Government accept the above view, the orders

orders in para 5 of P.W.D. Circular Memorandum No.2648/36 dated 25th Sept.1941 may be amplified and the two cases under consideration dealt with accordingly.

It is noticed that in the case of Mr. D.G.Manage dealt with in Government P.W.D. Memo. No.2648/36-E dated 30-7-41, officiating service in permanent posts was counted for increment but only from the date it was interrupted by temporary service. Incidentally it may be mentioned that though the orders issued in the Circular Memo are treated as an exception to B.C.S.R.41, it might not be the intention of Government that all benefits of that Rule should be withheld from persons who at some stage in their preconfirmation service held a temporary post for some period.

Id/-
28/6/53.
D.A.G.

U.O.R. to Govt. of Bombay in the Finance Department.
No.D.A.IX.S.C./1125. 28th June 1943.

Fin.Dept.

The A.G's remarks may be shown u.o. to the P.W.D. for consideration in the first instance.

S.N.
30/6

Id/-
30/6/43

U.R. to P.W.D. dt. 1-7-43.

Pay of persons on temporary establishment on appointment to the permanent establishment: Orders regarding counting for increments officiating service in permanent posts.

GOVERNMENT OF BOMBAY.

PUBLIC WORKS DEPARTMENT.

Resolution No.2648/36.

Bombay Castle, 15th June 1944.

Read letter from the Superintending Engineer, Southern Circle, No.G.44, dated the 9th April 1943.

Read Unofficial reference from the Accountant General, Bombay, No.D.A.IX.S.C.1125, dated the 28th June 1943.

RESOLUTION.- Government is pleased to direct that the following orders should be incorporated, as sub-paragraphs, below the existing paragraph 5 of Government Circular Memorandum, No.2648/36, dated the 25th September 1941:-

" A temporary person, on appointment to the permanent, should be allowed to count towards increments previous officiating service rendered by him on the permanent establishment in the same or similar permanent posts, subject to the following conditions:-

(i) that the officiating service on the permanent establishment is interrupted only by service on the temporary establishment, and service rendered on the work charged establishments, in accordance with the orders issued in Government Resolution, Public Works Department, No:4888/36, dated the 22nd January 1942. If it is interrupted by service on the work charged establishment, other than the work charged service specified above, then the whole officiating service on the permanent establishment, prior to such work charged service, should not be allowed to count for purposes of increments on the permanent establishment, but increments should however, be granted for such officiating service according to Bombay Civil Services Rule 67;.

(ii) that the pay during each period of officiation on the permanent establishment has been fixed in accordance with the principles enunciated in paragraph 2 of Government Circular Memorandum, No.2648/36, dated the 25th September 1941. If the pay during any period of officiation has not been fixed according to these principles that period should be omitted."

The date of his next increment on the permanent establishment should be fixed after taking into account the periods of past officiating service on the permanent establishment as admissible under the above orders.

By order of the Governor of
Bombay,

Sd/-
6/7/44.

(J.R. PHILLIPS,)
Deputy Secretary to Government.

G.R., No.2648/36, P.L.D., dated the 15th June 1944.

To

The Finance Department.

The Superintending Engineers of Circles.

The Electrical Engineer to Government.

The Consulting Public Health Engineer to Government.

The Accountant General, Bombay (through the Finance Department).

All Executive Engineers.

No. of 1944.

Copy forwarded for information and guidance to

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12/11/54.